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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062155
Party	Defendant Universal Alloy Corporation
Correspondence Address	UNIVERSAL ALLOY CORPORATION 180 LAMAR HALEY PKWY CANTON, GA 30114 UNITED STATES
Submission	Answer
Filer's Name	Marcy L. Sperry
Filer's e-mail	atltrademarks@wcsr.com, msperry@wcsr.com, lechols@wcsr.com
Signature	/Marcy L. Sperry/
Date	10/09/2015
Attachments	Universal Alloy Corporation - Answer to Petition for Cancellation - UAC Marks.pdf(12873 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration Nos. 4517333, 4633409, 4625796

United Aeronautical Corporation)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92062155
)	
Universal Alloy Corporation)	
)	
Registrant.)	

ANSWER

Registrant Universal Alloy Corporation (“Registrant”) hereby responds to the Petition for Cancellation filed by Petitioner, United Aeronautical Corporation (“Petitioner”), as follows, stating that all allegations not specifically admitted are denied:

1. Registrant is without sufficient information to form a belief as to the truth of the allegations related to Petitioner’s corporate status, state of organization, and Petitioner’s place of business, and on that basis denies the same. Registrant specifically denies that Petitioner will be damaged by Registrant’s Registration Nos. 4,633,409 for the mark UAC UNIVERSAL ALLOY CORPORATION A COPMANY OF MONTANA TECH COMPONENTS AG; 4,625,796 for the mark UAC (Stylized); and 4,517,333 for the mark UAC (“Registrant’s Marks”).

2. Registrant denies that it is a California corporation. Registrant admits the remaining allegations in Paragraph 2.

3. Registrant admits the allegations in Paragraph 3.

4. Registrant admits the allegations in Paragraph 4.

5. Registrant admits that the ‘409 application claims a first use date in commerce at least as early as June 1, 2013. Registrant admits that the ‘796 application claims a first use date in commerce at least as early as June 1, 2013. Registrant admits that the ‘333 application claims a first use date in commerce at least as early as 1991. Registrant further states that it has evidence proving that it has used the UAC mark (subject to the ‘333 registration) in commerce prior to 1989.

6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6, and therefore denies said allegations.

7. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7, and therefore denies said allegations.

8. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8, and therefore denies said allegations.

9. Registrant denies the allegations in Paragraph 9.

10. Registrant admits that Registrant’s Marks are similar to Petitioner’s mark. Registrant admits that Registrant’s UAC mark is identical to Petitioner’s mark. Registrant admits that Registrant’s Marks consist entirely or substantively of the letters “UAC.” Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 10, and therefore denies said allegations.

11. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11, and therefore denies said allegations.

Count 1 – Likelihood of Confusion

12. Registrant incorporates by reference the above responses to Paragraphs 1-11 as though fully set forth herein.

13. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13, and therefore denies said allegations.

14. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14, and therefore denies said allegations.

15. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15, and therefore denies said allegations.

AFFIRMATIVE DEFENSES

1. Registrant, and not Petitioner, has superior rights in the UAC mark.

2. Registrant reserves the right to assert additional defenses as may be warranted by future discovery or investigation in this opposition.

WHEREFORE, Registrant requests that judgment be entered in its favor and that
Petitioner's Petition for Cancellation be dismissed with prejudice.

This 9th day of October, 2015.

Respectfully submitted,

/Marcy L. Sperry/

Randel S. Springer

Marcy L. Sperry

WOMBLE CARLYLE SANDRIDGE & RICE LLP

271 17th Street, NW

Suite 2400

Atlanta, Georgia 30363-1017

Tel: (404) 879-2432

Fax: (404) 879-2932

Email: msperry@wcsr.com

Attorneys for Registrant, Universal Alloy Corporation

CERTIFICATE OF MAILING

I hereby certify that on October 9, 2015, I filed via electronic means (ESTTA) this ANSWER with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

/Laura A. Echols/

Laura A. Echols

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on Petitioner's counsel by mailing said copy on October 9, 2015, via First Class Mail, postage prepaid to:

Kyriacos Tsircou
Tsircou Intellectual Property Law
515 S. Flower Street, 36th Floor
Los Angeles, CA 90071

/Laura A. Echols/

Laura A. Echols